

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA

IN RE:

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Case No. 25-54949

Chapter 13

Amy Elizabeth Barnes

Debtor

BY: *Kristen M. Allen*

YANNA S. ALLEN
CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

2025 MAY -6 AM 10:38

FILED IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

EMERGENCY MOTION TO IMPOSE AUTOMATIC STAY

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/application/objection, then on or before seven days from the hearing date set forth for the motion, you must file with the court a written response explaining your position by mailing your response by regular U.S. Mail to Clerk United States Bankruptcy Court, Richard B. Russell Federal Building & United States Courthouse 2211 United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309 OR your attorney must file a response using the court's ECF System.

**CONTEMPORANEOUSLY WITH THE FILING OF THIS MOTION,
DEBTOR(S) HAS FILED A MOTION FOR EXPEDITED CONSIDERATION,
THEREFORE, THE TIME FOR RESPONDING TO THIS MATTER MAY BE
GREATLY SHORTENED.**

The court must receive your response on or before the date set above. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

1. Amy Barnes, 886 Wanda Circle SW, Marietta, GA 30008, and
2. LEONARD SAFIR Chapter 13 Trustee, STANDING CHAPTER 13 TRUSTEE,
Suite 1600, 285 PEACHTREE CENTER AVE. NE, ATLANTA, GA 30303


IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION/OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF WITHOUT FURTHER HEARING OR NOTICE.

Now comes Debtor, who moves this Court to impose an automatic stay pursuant to 11 U.S.C. § 362(c)(4) for the reasons listed below:

1. Debtor filed this bankruptcy case on 5-5-2025. Debtor had filed two prior bankruptcy cases, case numbers 24-58127 and 20-61126. The previous cases were dismissed on 07/08/2024 and 01/28/2025. Both dismissals were within one year of the filing of this case.
2. Pursuant to 11 U.S.C. § 362(c)(4), the automatic stay in this case does not go into effect upon the filing of this case.
3. 11 U.S.C. § 362(c)(4)(B) provides that “if, within 30 days after the filing of the case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitation as the court may then impose).”
4. This case is presumptively not filed in good faith because two or more previous cases under this title in which the individual was a debtor were pending with the one year period prior to filing this case. Such presumption may be rebutted by the debtors by clear and convincing evidence to the contrary. Debtor suffered serious illnesses and was not able to receive payments for services in time due to no fault of her own. Debtor will show cause for additional reasons in a hearing. It would be unjust and unfair to Debtor for her home to be sold. Further, Debtor has been incessantly harassed in bad faith and such harassment has imposed financial and other hardships upon Debtor and, as such, Debtor through no fault of her own was unable to operate at full capacity to act in her case. Debtor fully intends to comply with bankruptcy and expects to fund this case in full, pursuant to Chapter 13 plan. Causes exist for extending the automatic stay as to all creditors because the filing of this case is in good faith as to the creditors to be stayed because the debtors now have the ability to fund and complete their Chapter 13 plan.

Wherefore Debtor prays that the Court impose the automatic stay as to all creditors.

Respectfully submitted,



Amy Barnes,
886 Wanda Circle, SW
Marietta, GA 30008


CERTIFICATE OF SERVICE

I hereby certify that on 6th of May, 2025, a copy of the foregoing Motion to Impose Automatic Stay was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

K. EDWARD SAFIR, Chapter 13 Trustee
U.S. Trustee
STANDING CHAPTER 13 TRUSTEE,
SUITE 1600
285 PEACHTREE CENTER AVE. NE
ATLANTA, GA 30303

and on the following by ordinary U.S. Mail addressed to:

Aldridge Pite, LLC
Attorney for Creditor US Bank Trust NA
Six Piedmont Center
3525 Piedmont Road, N.E.
Suite 700
Atlanta, GA 30305



Amy Barnes
886 Wanda Circle, SW
Marietta, GA 30008